

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

VANNARA PHOU
(Agency No. 27-297-184),

Petitioner,

v.

THOMAS R. DECKER, Field Office
Director, Philadelphia, PA, Office of
Detention and Removal Operations, U.S.
Immigration and Customs Enforcement,
U.S. Department of Homeland Security, et
al.

Respondents.

No. C09-1367-RAJ-MAT

STIPULATED MOTION TO RE-NOTE
GOVERNMENT'S MOTION
TO DISMISS AND VACATE STAY
OF REMOVAL FROM NOVEMBER 27,
2009 TO DECEMBER 1, 2009

The Government's Motion to Dismiss in the above captioned case was originally noted on the motion calendar for November 27, 2009. As a result, pursuant to CR 7(d)(3), Petitioner's response to the motion was due on November 23, 2009. Petitioner, however, filed a response to the government's motion on November 27, 2009. The Government, however, unaware that Petitioner had filed a Response, filed a Reply pleading on November 27, 2009, asking to have its Motion to Dismiss granted in that Petitioner had failed to respond.

Now the Petitioner has actually filed a Responsive pleading, the parties are seeking to re-note the Government's Motion to Dismiss to allow the Government the opportunity to withdraw its earlier reply, and to file a substantive reply to Petitioner's response.

1 Accordingly, the parties respectfully ask to have the Government's Motion to
2 Dismiss re-noted for December 1, 2009. The Government's reply brief shall now be due
3 November 30, 2009.

4 DATED: November 30, 2009

5 JENNY A. DURKAN
6 UNITED STATES ATTORNEY

7 /s/ Marion J. Mittet
8 MARION J. NITTET, WSBA No. 12758
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13 DATED: November 30, 2009

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21 Attorney for Plaintiff

22 **ORDER**

21 The parties having so stipulated and agreed, it is hereby **SO ORDERED**. The
22 Clerk is directed to send copies of this Order to all counsel of record.

23 DATED this 1st day of December, 2009.

24 

25 Mary Alice Theiler
26 United States Magistrate Judge
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